



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,196	10/31/2000	Rico Mariani	MS1-607US	3162

22801 7590 08/31/2004

LEE & HAYES PLLC  
421 W RIVERSIDE AVENUE SUITE 500  
SPOKANE, WA 99201

EXAMINER

WANG, LIANG CHE A

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 08/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/704,196

Applicant(s)

MARIANI ET AL.

Examiner

Liang-che Alex Wang

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-45 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1- rejected under 35 U.S.C. 102(e) as being anticipated by Allard et al., US Patent Number 6,018,619, hereinafter Allard.
4. Referring to claim 1, Allard has taught a system comprising:
  - a. a plurality of web servers, each storing a plurality of web pages and returning selected ones of the plurality of web pages to a plurality of requesting client devices (Col 5 lines 36-44, Col 9 lines 11-12);
  - b. a central logging server coupled to the plurality of web servers (abstract 7-12, proxy server is viewed as a central logging server);

- c. wherein each of the plurality of web pages for which centralized logging is desired includes a reference to content stored on the central logging server (Col 1 lines 61-64, Col 12 lines 46-53);
  - d. wherein the central logging server logs accesses to the plurality of web servers up receipt, from the requesting client devices, of a request for the content (Col 5 lines 36-44).
- 5. Referring to claim 2, Allard has further taught wherein the plurality of web servers, the central logging server, and the plurality of requesting client devices are coupled together via the Internet (Col 9 lines 36-44).
- 6. Referring to claim 3, Allard has further taught wherein the reference has embedded therein information identifying usage of the web by a user initiating a request for a web page (Col 1 lines 61-64, Col 12 lines 46-53).
- 7. Referring to claim 4, Allard has further taught wherein the central logging server further logs information received in a cookie accompanying the request for the content (Col 5 lines 36-55).
- 8. Referring to claim 5, Allard has further taught wherein the reference comprises a Hypertext Markup Language tag (Col 1 lines 61-64).
- 9. Referring to claim 6, Allard has further taught wherein each of the plurality of web servers further logs information regarding the request locally (Col 5 lines 42-49, web servers are capable of logging information locally if they choose to do so).

10. Referring to claim 7, Allard has further taught wherein the reference comprises reference to a transparent graphic image (Col 1 lines 51-55, transparent graphic image is an popular object type).
11. Referring to claims 8-15, claims 8-15 encompass the same scope of the invention as that of the claims 1-7. Therefore, claims 8-15 are rejected for the same reason as the claims 1-7.
12. Referring to claim 16, Allard has further taught one or more computer readable memories containing a computer program that is executable by a processor to perform the method recited in claim 8 (Col 5 lines 24-26).
13. Referring to claims 17-23, claims 17-23 encompass the same scope of the invention as that of the claims 1-7. Therefore, claims 17-23 are rejected for the same reason as the claims 1-7.
14. Referring to claim 25, Allard has further taught one or more computer readable memories containing a computer program that is executable by a processor to perform the method recited in claim 17 (Col 5 lines 24-26).
15. Referring to claims 26-28, claims 26-28 encompass the same scope of the invention as that of the claims 1-7. Therefore, claims 26-28 are rejected for the same reason as the claims 1-7.
16. Referring to claim 29, Allard has further taught one or more computer readable memories containing a computer program that is executable by a processor to perform the method recited in claim 26 (Col 5 lines 24-26).

17. Referring to claims 30-33, claims 30-33 encompass the same scope of the invention as that of the claims 1-7. Therefore, claims 30-33 are rejected for the same reason as the claims 1-7.
18. Referring to claim 34, Allard has further taught one or more computer readable memories containing a computer program that is executable by a processor to perform the method recited in claim 30 (Col 5 lines 24-26).
19. Referring to claims 35-37, claims 35-37 encompass the same scope of the invention as that of the claims 1-7. Therefore, claims 35-37 are rejected for the same reason as the claims 1-7.
20. Referring to claim 38, Allard has further taught one or more computer readable memories containing a computer program that is executable by a processor to perform the method recited in claim 35 (Col 5 lines 24-26).
21. Referring to claims 39-45, claims 39-45 encompass the same scope of the invention as that of the claims 1-7. Therefore, claims 39-45 are rejected for the same reason as the claims 1-7.

***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allard et al., US Patent Number 6,018,619, hereinafter Allard. Allard has taught a method as described in claim 17 (see previous rejections). Allard does not explicitly tell the response is less than 50 bytes. However, it is the designer's choice to choose the number of bytes for the response. Allard has taught the server return acknowledgement back to the client upon client request (Col 5 lines 36-39). It would have been obvious to a person with ordinary skill in the art to choose the response to be less than any number of bytes. Because any size of response will not change the core invention as described in independent claim 17. A person with ordinary skill in the art would have use any size of response because a smaller size of response will allow a smaller packet to be transmit and provides a faster communication. And a bigger size response would provide more information to the client in the communication. Either way would benefit the system in different areas. Therefore it is obvious for a person with ordinary skill in the art to pick the response to be any size.

### ***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-8159. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (703)308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang *lcw*  
August 30, 2004

*Hosain Alam*  
**HOSAIN ALAM**  
**SUPERVISORY PATENT EXAMINER**